IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 20693 of 2004

Between:

Visakha Society for Prevention of Cruelty to Animal (865 of 1996) rep.by Sri Swamy Swayam Bhagawandas,
Chief Advisor, having its office at 26-15-200, Main Road, Visakhapatnam

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation,
Visakhapatnam
2 Chief Medical Officer, Municipal Corporation,
Visakhapatnam
3 Veterinary Assistant Surgeon, Municipal Corporation,
Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or a Writ particularly in the nature of Mandamus declaring the action of the respondents in resorting, indiscriminate killing of stray dogs including the sterilized and immunized dogs that have been treated by the petitioner society which be easily identified in the City of Visakhapatnam by adopting inhuman and brutal methods, as illegal, arbitrary and inhuman in violation of the MOU and ABC Rules of 2001 and also in violation of provision of Prevention of Cruelty to Animals Act and consequently direct the respondents to obey the Memorandum of Understanding dated 03-03-2004 between the petitioner and the respondents No.1 & 2 and strictly implement the Animal Birth Control (Dogs Rules) 2001 framed by the Govt. of India under the powers conferred by the Section 38(1)(2) of the Prevention of Cruelty to Animals Act, 1960, for the effective control and management of the stray dog population without adopting the method of killing and pass any other order or orders as this Hon'ble Court deems fit in the circumstances of the case.

Counsel for the Petitioner : SMT.C.JAYASREE SARATHY

Counsel for the Respondents : MR.T.S.VENKATA RAMANA

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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1. Visakha Society for Prevention of Cruelty to Animals approached this Court by filing this writ petition as public interest litigation to declare the action of the respondents in resorting to indiscriminate killing of stray dogs including the sterilized and immunized dogs that have been treated by the petitioner – Society, as illegal and in violation of the provisions of Prevention of Cruelty to Animals Act, and has sought direction against the respondents to obey the Memorandum of Understanding dated 03.03.2004 and to strictly implement Animal Birth Control (Dogs Rules), 2001, framed by Government of India under the powers conferred under Prevention of Cruelty to Animals Act, 1960.

2 . Sri N. Srikanth, Commissioner, Municipal Corporation, Visakhapatnam, has filed detailed affidavit stating that with a view to stabilize the stray dog population in Visakhapatnam, Memorandum of Understanding, which was earlier entered, was revised and implemented with effect from 17.04.2004. It is stated that performance of the petitioner – Society was at low pace in terms of redressal of public complaints. There might be various causes for this delay, but the affidavit in reply says that the dog-catching vehicles were withdrawn from the Visakha Society for Prevention of Cruelty to Animals with the sole intention of redressing the public grievance immediately on 30.10.2004 at Vasavanipalem and Jalaripeta since there was imminent danger to the public. Affidavit further states that dog-catching and killing were stopped from 01.11.2004 and that respondent – Corporation is committed to implement the Animal Birth Control (Dogs) Rules, 2001, and Prevention of Cruelty to Animals Act, 1960, for effective control of stray dog population in Visakhapatnam.

3 . We take the statement of the Commissioner, Municipal Corporation, Visakhapatnam, on record. In view of taking such statement on record, nothing survives in

this writ petition, which is hereby closed. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 20.12.2004.

VRK.

To

1 The Commissioner, Municipal Corporation,
Visakhapatnam
2 Chief Medical Officer, Municipal Corporation,
Visakhapatnam
3 Veterinary Assistant Surgeon, Municipal Corporation,
Visakhapatnam

4. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

W.P.NO. 20693 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 20.12.2004.

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